

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. ROGER PERETE Y MANLAPAS, ET AL., ACCUSED. ROGER PERETE Y MANLAPAS, ACCUSED AND APPELLANT.

G.R. No. 15515. April 29, 1961

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PER CURIAM:

Roger Perete y Manlapas and Victorio Sajorda y Campus, for having killed a co-prisoner in the Bilibid Prisons at Muntinlupa, were charged with murder in the Court of First Instance of Rizal, in an information as follows:

"That on or about the 25th day of March 1959, in the New Bilibid Prisons, municipality of Muntinlupa, province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, armed with deadly weapons to wit: sharp-pointed instruments, with intent to kill and with treachery and evident premeditation, did then and there, wilfully, unlawfully and feloniously attack, assault and stab one Receval Langlangan, thereby inflicting upon, the latter stab wounds on the different parts of his body which caused his death instantaneously.

"The accused are quasi-recidivists having committed the abovementioned felony while serving their respective sentences after having been convicted of final judgment by competent courts."

Arraigned on June 2, 1959, and assisted by counsel de oficio, Roger Perete pleaded guilty while the other accused, Sajorda, entered a plea of not guilty. On the same day, the trial court rendered judgment as to appellant Perete, convicting him of the crime as charged, the dispositive part of which reads:

"Wherefore, the Court finds the accused Roger Perete y Manlapas guilty of murder, penalized under Art. 248 of the Revised Penal Code, and it appearing that said accused is a quasi-recidivist, the Court, pursuant to Art. 160 of said Code, hereby sentences him to the death penalty, to indemnify the heirs of the deceased in the amount of Six Thousand Pesos (P6,000.00) with no subsidiary imprisonment in case of insolvency, and to pay one-half of the costs."

The case is now before this Court on automatic review due to the penalty imposed. Atty. Jose Hernando, counsel de oficio for this appeal, assigns seven (7) errors, the salient burdens of which are: (1) that the trial court should have examined the evidence and/or heard witnesses, after which appellant Perete should have been acquitted on reasonable doubt; (2) that there was no treachery or evident premeditation, so that the crime was only homicide, granting that appellant killed the victim; (3) that plea of guilt and voluntary surrender should have been considered mitigating to homicide; (4) that the trial court should have required evidence on the quasi-recidivism before appreciating it.

It is well-settled that a plea of guilt, when formally entered on arraignment, is sufficient to sustain a conviction even for a capital offense without the introduction of further evidence, and that such plea admits all the material allegations of the information, including the attendant circumstances qualifying and/or aggravating the crime (People vs. Yamson, et al., 109 Phil., 795; People vs. Ala, 109 Phil., 390; People vs. Salazar, 105 Phil., 1058; People vs. Santos, et al., 105 Phil., 40; People vs. Acosta, 98 Phil., 642; 52 Off. Gaz., 1930). While it may be the

better practice in serious cases, as the one at bar, to receive such additional evidence as would sustain the conviction independently of the plea of guilt, this depends on the sound discretion of the trial court, according¹ to whether it was satisfied that the plea of guilt was made with knowledge of its import (People vs. Yamson, et al., supra; People vs. Acosta, supra.) The record does not show that the trial court committed any abuse of discretion in not requiring additional evidence. When appellant Perete was arraigned on June 2, 1959, he was assisted by counsel de oficio. The presumption is that said counsel regularly and faithfully discharged his official functions, which included the duty of advising the accused as to the meaning of his plea of guilt (People vs. Yamson, et al., supra. In any case, accused or his counsel were never heard to complain, at the arraignment, or in any time thereafter, in fact, not even after the death sentence was imposed, that the plea of guilt was improvidently given without understanding its significance. Indeed, the trial judge must have fully satisfied himself that appellant Perete entered his plea of guilt with full knowledge of the meaning and consequences of his act, for the information was read and a copy thereof delivered to said accused and his counsel before the plea was entered. According to the trial judge appellant entered his plea "spontaneously and voluntarily". Nothing in the record justifies us to conclude otherwise.

The record itself amply demonstrates that the plea of guilt was taken as a calculated risk, to invite the mercy of the trial court in the face of what portended to be overwhelming evidence for the prosecution. Both appellant Perete and his co-accused, Sajorda, in their respective affidavits executed on the very morning when prisoner Receval Lanlangan was found sprawled and dying in the toilet of Dormitory-A, confessed to the macabre details of their heinous crime (pp. 7-10, Record). According to their own version, they silently pounced on Langlangan and stabbed him many times with their sharp-pointed instruments inside the toilet of Dormitory-A. Their victim sustained no less than about 41 stabs on different parts of the body (Autopsy Report, pp. 3-4, Record). A few minutes after, prison guard Deogracias Salvador and his companions, responding to a call to bring out two prisoners, came upon appellant Perete and accused Sajorda, holding sharp-pointed weapons, and who readily admitted having just killed a prisoner (p. 6, Record). Perete and Sajorda were immediately brought to the Officer of the Day, before whom they executed the affidavits already mentioned.

Even viewing the case in the most favorable light, the death penalty cannot be avoided. The crime committed is murder qualified by treachery, with the aggravating circumstances of evident premeditation and quasi-recidivism (Art. 160, Revised Penal Code), all alleged in the information which the accused admitted by his plea. Conceding arguendo that not only plea of guilt but voluntary surrender as well are present, these cannot alter the penalty of death, since even without evident premeditation, quasi-recidivism, as a special aggravating circumstance, raises the penalty to the maximum period of that prescribed by law for the new crime committed. And we find the allegations in the information pertaining to quasi-recidivism sufficient, its essence being that a person shall commit a felony after having been convicted by final judgment for another crime before beginning the service of such sentence or while serving the same. We find it unnecessary to discuss the other points raised in counsel de oficio's brief, which are clearly without merit.

Finding no error in the decision under review, the same is hereby affirmed. With costs de oficio.

Bengzon, C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, Paredes, and Dizon, JJ., concur.

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